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**OFFICE OF PETITIONS**

HUSCH BLACKWELL LLP  
190 CARONDELET PLAZA  
SUITE 600  
ST. LOUIS MO 63105-3441

In re Application of :  
Norbert Diekhans : ON APPLICATION FOR  
Application No. 09/640,126 : PATENT TERM ADJUSTMENT  
Filed: August 16, 2000 :  
Attorney Dkt. No. 459156.83 :  
For: COMBINE WITH A DEVICE FOR :  
AUTOMATIC CLEANING REGULATION :  
:

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705," filed February 8, 2010.

The request for review of the patent term adjustment is **GRANTED to the extent indicated.**

Applicant contends an entitlement to a patent term adjustment of one thousand six hundred and thirty-one (1,631) days.

A review of the application history shows a reduction of 2471 days, is warranted for the abandonment of the application pursuant to 37 CFR § 1.704(c)(3)(i).

37 CFR 1.704(c) provides that:

Circumstances that constitute a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application also include the following circumstances, which will result in the following reduction of the period of adjustment set forth in § 1.703 to the extent that the periods are not overlapping:

(3) Abandonment of the application or late payment of the issue fee, in which case the period of adjustment set forth in § 1.703 shall be reduced by the number of days, if any,

beginning on the date of abandonment or the date after the date the issue fee was due and ending on the earlier of:

- (i) The date of mailing of the decision reviving the application or accepting late payment of the issue fee; or
- (ii) The date that is four months after the date the grantable petition to revive the application or accept late payment of the issue fee was filed.

In this instance the application was held abandoned for the failure to submit a reply to the final Office action of July 16, 2001. On petition, applicant argued a final Office action was not received. A petition and a reply to the final Office action were filed on April 23, 2002. The reply submitted on April 23, 2002 did not place the application in condition for allowance. A grantable petition under 37 CFR 1.137(b) was filed on September 29, 2008 and granted on January 27, 2009.

In accordance with 37 CFR 1.704(c)(3), the adjustment is properly reduced by 2471 days. The period of reduction commenced April 23, 2002, the date of abandonment, and ended January 27, 2009, the date of mailing of the decision reviving the application. See, 37 CFR 1.704(c)(3)(i).

At the time of mailing of the Notice of Allowance, applicant's delay total is 2471 days and Office delay totals 25 days.

In view thereof, the correct determination of PTA at the time of the mailing of the notice of allowance is zero (0) days.

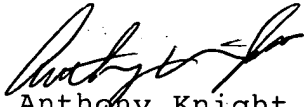
Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and **must** include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Application No. 09/640,126

Page 3

Telephone inquiries specific to this matter should be directed to Petitions Attorney Charlema Grant at (571) 272-3215.



Anthony Knight  
Director  
Office of Petitions

Enclosure: Copy of REVISED PALM Screen



# Patent Term Adjustments



PTA/PTL Information **Patent Term Adjustment** Patent Term Extension

Application Number\*: 09640126

Search

Explanation of PTA Calculation

Explanation of PTE Calculation

PTA Calculations for Application: 09640126

Application Filing Date: 08/16/2000	Overlapping Days Between (A and B) or (A and C): 0
Issue Date of Patent:	Non-Overlapping USPTO Delays: 25
A Delays: 25	PTO Manual Adjustment: 69
B Delays: 0	Applicant Delay (APPL): 2540
C Delays: 0	Total PTA (days): 0

\* - Sorted Column

File Contents History

Action Number	Action Recorded Date	Action Due Date	Action Code	Action Description	Duration PTO	Duration APPL	Parent Action Number
75	11/02/2010		P026	Adjustment of PTA Calculation by PTO	52	0	0
64	11/09/2009		MN/a	Mail Notice of Allowance		0	0
63	11/04/2009		IREV	Issue Revision Completed		0	0
62	11/04/2009		DVER	Document Verification		0	0
61	11/04/2009		N/E	Notice of Allowance Data Verification Completed		0	0
60	11/04/2009		DOCK	Case Docketed to Examiner in GAU		0	0
58	10/28/2009		EXLA	Examiner's Amendment Communication		0	0
57	10/28/2009		ONTA	Notice of Allowability		0	0
59	10/27/2009		EXIN	Examiner Interview Summary Record (PTOL - 413)		0	0
55	10/02/2009		FWDX	Date Forwarded to Examiner		0	0
54	08/26/2009		A	Response after Non-Final Action		0	0
53	05/27/2009		MCTNF	Mail Non-Final Rejection		0	0
52	05/26/2009		CTNF	Non-Final Rejection		0	0
51	03/19/2009		FWDX	Date Forwarded to Examiner		0	0
50	03/03/2009		A	Response after Non-Final Action		0	0
49	02/23/2009	01/29/2009	MCRA-AMD	Mail Notice of Informal or Non-Responsive RCE Amendment	22	44	0
48	02/17/2009		CPA-AMD	Notice of Informal or Non-Responsive RCE Amendment		0	0
47	02/03/2009		FWDX	Date Forwarded to Examiner		0	0
45	02/03/2009		FWDX	Date Forwarded to Examiner		0	0
43	02/03/2009		ABN9	Disposal for a RCE / CPA / R129		0	0
42	02/03/2009		FWDX	Date Forwarded to Examiner		0	0
41	01/27/2009		MNRAB	Mail Notice of Rescinded Abandonment		0	0
40	01/27/2009		NRA8	Notice of Rescinded Abandonment in TCs		0	0
39	01/27/2009		MPREV	Mail-Petition to Revive Application - Granted		0	0
38	01/27/2009		PREV	Petition to Revive Application - Granted		0	0
36	10/20/2008		CAD	Correspondence Address Change		0	0
46	09/29/2008		AMSB	Amendment Submitted/Entered with Filing of CPA/RCE		0	0
44	09/29/2008	10/16/2001	RCEX	Request for Continued Examination (RCE)	2540	11	0
37	09/29/2008		PET	Petition Entered		0	0
34	09/29/2008		BRCE	Workflow - Request for RCE - Begin		0	0
33	04/28/2008		MPTD1	Mail-Petition Decision - Dismissed		0	0
32	04/28/2008		PTD1	Petition Decision - Dismissed		0	0
19	04/23/2008		A.NE	Amendment after Final Rejection		0	0
31	04/11/2008		MABN2	Mail Abandonment for Failure to Respond to Office Action		0	0
30	04/10/2008		ABN2	Aband. for Failure to Respond to O. A.		0	0
27	03/28/2008		MCTAV	Mail Advisory Action (PTOL - 303)		0	0
28	03/25/2008		PET	Petition Entered		0	0
26	03/25/2008		CTAV	Advisory Action (PTOL-303)		0	0
21	03/20/2008		DOCK	Case Docketed to Examiner in GAU		0	0
16	03/14/2008		DOCK	Case Docketed to Examiner in GAU		0	0
18	08/23/2002		MNRAB	Mail Notice of Rescinded Abandonment		0	0
17	08/23/2002		NRA8	Notice of Rescinded Abandonment in TCs		0	0
15	08/23/2002		MPREV	Mail-Petition to Revive Application - Granted		0	0
20	04/23/2002		FWDX	Date Forwarded to Examiner		0	0
14	04/23/2002		PET	Petition Entered		0	0
13	02/26/2002		MABN2	Mail Abandonment for Failure to Respond to Office Action		0	0
12	02/25/2002		ABN2	Aband. for Failure to Respond to O. A.		0	0
11	07/16/2001		MCTFR	Mail Final Rejection (PTOL - 326)		0	0
10	07/13/2001		CTFR	Final Rejection		0	0
9	05/04/2001		FWDX	Date Forwarded to Examiner		0	0
8	04/30/2001		A	Response after Non-Final Action		0	0
7	01/31/2001		MCTNF	Mail Non-Final Rejection		0	0
6	01/29/2001		CTNF	Non-Final Rejection		0	0
5	11/13/2000		DOCK	Case Docketed to Examiner in GAU		0	0
4	10/06/2000		OIPE	Application Dispatched from OIPE		0	0
3	10/06/2000		CAD	Correspondence Address Change		0	0
2	09/07/2000		SCAN	IFW Scan & PACR Auto Security Review		0	0
1	08/16/2000		IEXX	Initial Exam Team nn		0	0

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